

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Savannah Park at Heathrow, Small Scale Land Use Amendment from
Office to Planned Development (PD) and Rezone from A-1 to PUD
(Mary Anne Jarrell, applicant)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West *MW* **CONTACT:** Jeff Hopper *TD for SH* **EXT** 7431

Agenda Date 02/04/04 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for Small Scale Land Use Amendment from Office to PD and Rezone from A-1 to PUD on approximately 9.9 acres, located at the northwest corner of International Parkway and Wilson Road, per the attached development order (Mary Anne Jarrell, applicant); or
2. Recommend DENIAL of the request for Small Scale Land Use Amendment from Office to PD and Rezone from A-1 to PUD on approximately 9.9 acres located at the northwest corner of International Parkway and Wilson Road (Mary Anne Jarrell, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Mary Anne Jarrell, proposes a townhouse development on a 9.9-acre site on International Parkway, at a maximum net buildable density of 8 units per acre. The request consists of a rezone from A-1 to PUD and a Small Scale Land Use Amendment from Office to Planned Development (PD). This application represents the first phase of a larger mixed-use development, totaling approximately 33 acres, which will also include retail, office and recreational uses. (Phase 2 is being handled as a Large Scale Land Use Amendment and is also on today's agenda.)

The proposal includes a 50-foot undisturbed buffer and building setback, and a 6-foot masonry wall along the west

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: *TD* _____
DCM: _____
CM: _____

File No. Z2003-043,
11-03SS.01

site boundary adjacent to Tall Trees Subdivision. The site will include recreational facilities for residents, such as a park and clubhouse. Proposed minimum dwelling unit size is 1,600 square feet under air. All units will be sold fee simple.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone subject to the attached Development Order.

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



FUTURE LAND USE

Site
 LDR
 OFF
 HIPTI
 CONS

Applicant: MERIDIAN PROPERTY MANAGEMENT LLC
 Physical STR: part of 30-19-30-300-0410-0000
 Gross Acres: 9.9 BCC District: 2
 Existing Use: VACANT
 Special Notes: None

| | Amend/ Rezone# | From | To |
|--------|-------------------|------|-----|
| FLU | 11-03SS.01 | OFF | PD |
| Zoning | Z2003-043 | A-1 | PUD |



ZONING

Site
 A-1
 R-1AAA
 FP-1
 W-1



Amendment No: 11-03SS.01

From: OFF To: PD

Rezone No: Z2003-043

From: A-1 To: PUD

 Parcel

 Subject Property



February 1999 Color Aerials

SITE DATA 33.58 ACRES

33.58 ACRES
TOTAL SITE AREA: 1,462,745 S.F.
TOTAL IMPERVIOUS AREA: 658,235 S.F. (45%)

RU-1 SMALL SCALE 9.9 ACRES

64 TOWNHOUSE UNITS
ALL UNITS HAVE GARAGES w/ 20' MIN. DRIVEWAYS
DENSITY = 6.46 UNITS PER ACRE

LANDSCAPE REQUIREMENTS ALONG PUBLIC RIGHT OF WAY @ WILSON ROAD

- 1) 30' AVERAGE BUFFER WIDTH
- 2) A LANDSCAPE SCREEN THAT SHALL ATTAIN A HEIGHT OF AT LEAST 3' WITHIN ONE YEAR AFTER PLANTING AND SHALL SCREEN 75% OF THE PARKING AREAS TO THAT HEIGHT
- 3) 4 CANOPY TREES / 100 L.F. OF FRONTAGE. TREES SHALL BE EVENLY SPACED 1,409 L.F. / 100 = 14.09 X 4 = 56 CANOPY TREES REQ'D

MU-1 LARGE SCALE 10.06 ACRES

A 1ST LEVEL RETAIL 16,000 SF
B 1ST LEVEL RETAIL 18,000 SF
C 1ST LEVEL RETAIL 6,000 SF
D 1ST LEVEL RETAIL 6,000 SF

TOTAL RETAIL 46,000 SF TOTAL OFFICE 24,000 SF

16 MRO UNITS (2 & 3 STORIES)
RESIDENTIAL UNITS = 1800 - 2000 S.F. INCLUDING GARAGES
1ST = 34,200 S.F.
2ND = 34,200 S.F.
3RD = 34,200 S.F.
TOTAL = 102,600 S.F.
PARKING FOR RETAIL / OFFICE (10' X 20')
4/1000 = 336 SPACES / 400 INDICATED

RU-2 LARGE SCALE 4.82 ACRES

17 TOWNHOUSE UNITS
3 MRO UNITS
ALL UNITS HAVE GARAGES w/ 20' MIN. DRIVEWAYS
DENSITY = 4.14 UNITS PER ACRE

TOTAL TOWNHOUSE/SMALL SCALE:
167 TOWNHOUSE UNITS
MIN. SETBACK @ TOWNHOUSE UNITS 20'-0"

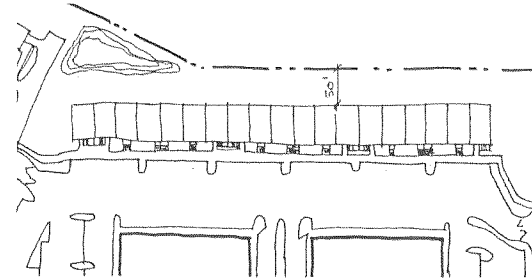
RU-3 LARGE SCALE (8.8 ACRES)

65 TOWNHOUSE UNITS
ALL UNITS HAVE GARAGES w/ 20' MIN. DRIVEWAYS
DENSITY = 9.6 UNITS PER ACRE

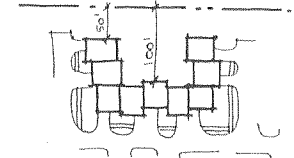
TOTAL TOWNHOUSE/SMALL SCALE:
167 TOWNHOUSE UNITS
MIN. SETBACK @ TOWNHOUSE UNITS 20'-0"

- 2 STORY TOWNHOUSE UNIT (within 100')
ADJACENT TO TALL TREES S/D
& A MIX OF 2 & 3 STORY TOWNHOUSE INTERIOR
- 1600 S.F. MINIMUM INCLUDING GARAGES
 - 35' MAX MEAN ROOF HEIGHT
 - MIN. SETBACK - 20'-0" MEASURED FROM SIDEWALK TO GARAGE DOOR

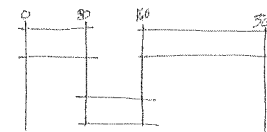
2 & 3 STORY UNITS
1600 S.F. MINIMUM INCLUDING GARAGES
35' MAX. MEAN ROOF HEIGHT



OFFICE LAYOUT



OPTIONAL COURTYARD LAYOUT

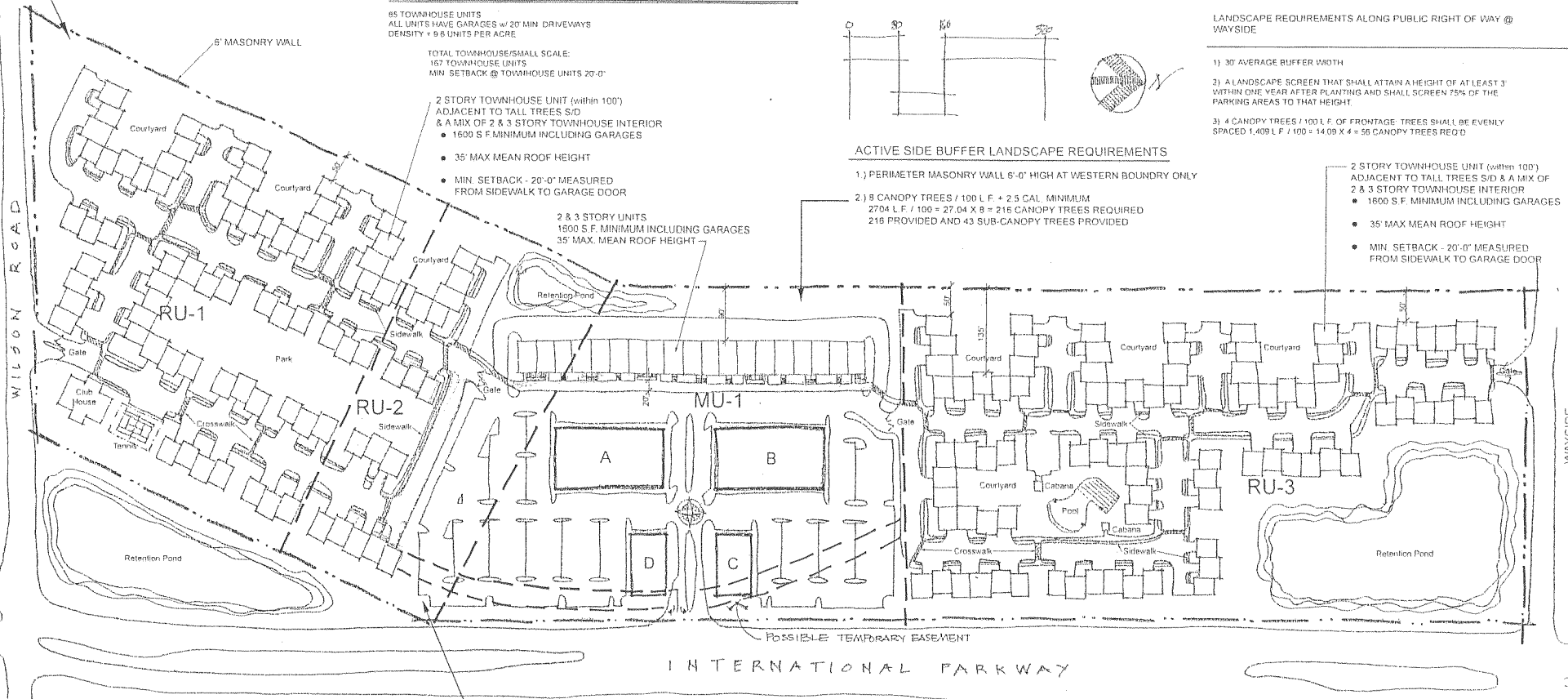


ACTIVE SIDE BUFFER LANDSCAPE REQUIREMENTS

- 1) PERIMETER MASONRY WALL 6'-0" HIGH AT WESTERN BOUNDARY ONLY
- 2) 8 CANOPY TREES / 100 L.F. + 2.5 CAL. MINIMUM
2704 L.F. / 100 = 27.04 X 8 = 216 CANOPY TREES REQUIRED
216 PROVIDED AND 43 SUB-CANOPY TREES PROVIDED

LANDSCAPE REQUIREMENTS ALONG PUBLIC RIGHT OF WAY @ WAYSIDE

- 1) 30' AVERAGE BUFFER WIDTH
 - 2) A LANDSCAPE SCREEN THAT SHALL ATTAIN A HEIGHT OF AT LEAST 3' WITHIN ONE YEAR AFTER PLANTING AND SHALL SCREEN 75% OF THE PARKING AREAS TO THAT HEIGHT
 - 3) 4 CANOPY TREES / 100 L.F. OF FRONTAGE. TREES SHALL BE EVENLY SPACED 1,409 L.F. / 100 = 14.09 X 4 = 56 CANOPY TREES REQ'D
- 2 STORY TOWNHOUSE UNIT (within 100')
ADJACENT TO TALL TREES S/D & A MIX OF 2 & 3 STORY TOWNHOUSE INTERIOR
- 1600 S.F. MINIMUM INCLUDING GARAGES
 - 35' MAX MEAN ROOF HEIGHT
 - MIN. SETBACK - 20'-0" MEASURED FROM SIDEWALK TO GARAGE DOOR



LANDSCAPE REQUIREMENTS ALONG PUBLIC RIGHT OF WAY

- 1) 30' AVERAGE BUFFER WIDTH
- 2) A LANDSCAPE SCREEN THAT SHALL ATTAIN A HEIGHT OF AT LEAST 3' WITHIN ONE YEAR AFTER PLANTING AND SHALL SCREEN 75% OF THE PARKING AREAS TO THAT HEIGHT
- 3) 4 CANOPY TREES / 100 L.F. OF FRONTAGE. TREES SHALL BE EVENLY SPACED 1,409 L.F. / 100 = 14.09 X 4 = 56 CANOPY TREES REQ'D

NOTE: EXISTING TREES MAY BE USED TO MEET REQUIREMENTS

Conceptual Plan
Actual retention ponds
will be sized at final
engineering
Soils information and
grade elevations are
complete.

Fire
Buildings will comply
with Seminole County
Fire Department
standards.

PROPOSED MIXED USE DEVELOPMENT

SEMINOLE COUNTY

1.21.04

Savannah Park at Heathrow Small Scale Land Use Amendment Staff Report

| | | |
|---|---|---|
| Office to Planned Development (PD) | | Amendment (Z2003-043, 11-03SS.01) |
| REQUEST | | |
| APPLICANT | Mary Anne Jarrell | |
| PLAN AMENDMENT | Office to Planned Development | |
| REZONING | A-1 to Planned Unit Development (PUD) | |
| APPROXIMATE GROSS ACRES | 9.9 | |
| LOCATION | West of International Parkway, north of Wilson Road | |
| BCC DISTRICT | 5, McLain | |
| RECOMMENDATIONS AND ACTIONS | | |
| STAFF RECOMMENDATION February 4, 2004 | Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone subject to the attached Development Order. | |

STAFF ANALYSIS

Office to Planned Development (PD)

Amendment
(Z2003-043,
11-03SS.01)

1. **Property Owner:** Glenn A. Lingle, Trustee and Margaret D. Fox, Et Al., Trustee
2. **Tax Parcel Number:** 30-19-30-300-0410-0000
3. **Development Trends:** The subject property lies at the eastern edge of a large area of Low Density Residential development in the R-1AAA zoning classification, consisting of lots of 13,500 square feet and greater. Adjacent properties to the north, east and south are still vacant, but these areas are in the HIP-TI land use designation, which permits relatively intense development, both residential and non-residential. The site immediately north of Wayside Drive is an approved PCD proposing 147,000 square feet of retail/office space. Existing multi-family and recent commercial construction in the Colonial Town Park area a mile to the south indicate that intensive development is under way along International Parkway, consistent with the Vision 2020 Plan.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Office, currently assigned to the subject property, permits general office and supporting uses such as schools and day care centers.

| Location | Future Land Use* | Zoning* | Existing Use |
|----------|------------------|---------|---------------------------|
| North | HIP-TI | PCD | Vacant |
| South | HIP-TI | A-1 | Vacant |
| East | HIP-TI | A-1 | Vacant |
| West | LDR | R-1AAA | Single family residential |

- See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via International Parkway, a new 4-lane road classified as a Collector. No traffic counts were taken in 2003 on this road. However, it is projected to operate at a Level of Service "B" in 2005. The adopted Level of Service standard is "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service areas. Water, reclaimed water, and sewer service are available to the site.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #34. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will

be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains less than 5% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input.

When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation, the proposed PD land use, with the attendant PUD Preliminary Master Plan, is compatible with the HIP-TI land use designation on adjoining properties to the north, east and south. At 8 units per acre, it represents a transition of land use intensity between the LDR properties to the west and large areas of commercial and other nonresidential development along International Parkway. Although the single family development to the west is much lower in density, it should not be greatly affected by the current proposal if adequate design features, such as walls, landscaping, setbacks and lighting controls are in place.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses (Policy FLU 2.5): *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses.*

Although the applicant has requested a Planned Development (PD) land use designation, proposed density and housing types for the subject property are equivalent to Medium Density Residential (MDR). "Exhibit FLU: Appropriate Transitional Land Uses" indicates that MDR is an appropriate transitional use adjacent to Low Density Residential (LDR).

Design Principles (Policy DES 4.2): *The County will encourage development in corridors and centers based on the following principles:*

- *Mixed-use centers should be designed with universal blocks, i.e. blocks with standard dimensions that accommodate several different types of uses, to enable re-use over time through infill, redevelopment and intensification.*
- *Mixed-use developments shall have integrated infrastructure, vertical and/or horizontal integration of different land uses and coordinated access.*
- *Mixed-use corridors and centers should promote development planning that encourage site plans to anticipate infill development with future building sites, structured parking, and the flexibility to intensify the site later when the market grows.*

This policy must be considered in the context of the combined large and small scale amendments. Together, the proposed amendments meet the intent of Policy DES 4.2 by accommodating different types of uses through integration and coordinated access.

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PUD Zoning Classification

FLU 5.5: Water and Sewer Service Expansion

PD Future Land Use Definition

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone subject to the following conditions:

- a. Westward-facing balconies shall be prohibited within 100 feet of the west property line.
- b. Permitted uses shall be townhouse units with fee simple ownership, single family homes, home occupations and home offices.
- c. Use of common areas shall be limited to open space, recreational amenities, stormwater management, and utility facilities serving all residents of the development.
- d. Density shall be limited to 8.0 units per net buildable acre or a maximum of 79 dwelling units.
- e. Along the west site boundary, the following standards shall apply:
 1. 50-foot undisturbed buffer to be supplemented with vegetation in areas where needed, so that an active buffer is met
 2. 6-foot masonry wall
 3. 50-foot setback for all two-story structures

4. 120-foot setback for all three-story buildings
- f. Required setbacks and buffers along the south property line shall be as follows:
 1. 30-foot setback for all one-story buildings
 2. 50-foot setback for all two-story buildings
 3. 120-foot setback for all three-story buildings
 4. 15-foot landscape buffer with 4 canopy and 5 understory trees per 100'.
 - g. A 20-foot setback shall be required from the front wall of any unit to the nearest edge of the street or sidewalk.
 - h. Mechanical units shall be located and/or screened so as not to be visible from International Parkway or adjoining single family development.
 - i. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
 - j. Prior to Final Master Plan approval, the applicant shall obtain a joint use agreement with the Seminole County Public Works Department allowing the existing County retention ponds adjacent to the site to be incorporated into the project's stormwater management system.
 - k. All landscape buffers and common areas shall be maintained by a homeowners association.
 - l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
 - m. Outdoor lighting shall be cutoff/shoebox style fixtures a maximum of 16 feet in height.
 - n. Street lighting adjacent to the west property boundary will be limited to decorative lighting affixed to the fronts of the units. Security lighting with motion sensors shall be permitted on any side of the buildings.
 - o. Building height shall be limited to 35 feet for structures within 100 feet of the west property line, 45 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
 - p. Access to the site shall be provided through a cross-access easement over property described in Exhibit B.
 - q. Existing trees that are preserved during construction may satisfy the landscaping requirements of this development order or the Land Development Code.
 - r. Review of the Final Master Plan by the Board of County Commissioners shall be a public hearing and architectural renderings of the proposed development shall be required.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On February 24, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: MARGARET D. FOX AND SANDRA A. STICKNEY, TRUSTEES OF
THE TRUST U/W/O BYRON A. FOX F/B/O W.W. FOX

GLENN A. LINGLE, TRUSTEE OF THE GLENN A. LINGLE
REVOCABLE TRUST

Project Name: SAVANNAH PARK AT HEATHROW

Requested Development Approval: Small Scale Land Use Amendment from Office to
Planned Development (PD) and rezoning from A-1
(Agriculture) to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. Westward-facing balconies shall be prohibited within 100 feet of the west property line.
 - b. Permitted uses shall be townhouse units with fee simple ownership, single family homes with fee simple ownership, home occupations and home offices.
 - c. Use of common areas shall be limited to open space, recreational amenities, stormwater management, and utility facilities serving all residents of the development.
 - d. Density shall be limited to 8.0 units per net buildable acre or a maximum of 79 dwelling units.
 - e. Along the west site boundary, the following requirements shall apply:
 1. 50-foot undisturbed buffer to be supplemented with vegetation in areas where needed, so that an active buffer is created;
 2. 6-foot masonry wall;
 3. 50-foot setback for all two-story structures; and
 4. 120-foot setback for all three-story buildings.
 - f. Required setbacks and buffers along the south property line shall be as follows:
 1. 30-foot setback for all one-story buildings;
 2. 50-foot setback for all two-story buildings ;
 3. 120-foot setback for all three-story buildings; and
 4. 15-foot landscape buffer with 4 canopy and 5 understory trees per every 100'.
 - g. A 20-foot setback shall be required from the front wall of any unit to the nearest edge of the street or sidewalk.
 - h. Mechanical units shall be located and/or screened so as not to be visible from International Parkway or adjoining single family development.
 - i. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
 - j. Prior to Final Master Plan approval, the applicant shall obtain a joint use agreement with the Seminole County Public Works Department allowing the existing County retention ponds adjacent to the site to be incorporated into the project's stormwater management system.
 - k. All landscape buffers and common areas shall be maintained by a homeowners association.

- l. The developer shall provide a pedestrian circulation system giving access to all public portions of the development as well as connecting to existing sidewalks outside the development.
- m. Outdoor lighting shall be cutoff/shoebox style fixtures no more than 16 feet in height.
- n. Street lighting adjacent to the west property boundary will be limited to decorative lighting affixed to the fronts of the units. Security lighting with motion sensors shall be permitted on any side of the buildings.
- o. Building height shall be limited to 35 feet for structures within 100 feet of the west property line, 45 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- p. Access to the site shall be provided through a cross-access easement over property described in Exhibit B.
- q. Existing trees that are preserved during construction may satisfy the landscaping requirements of this development order or the Land Development Code.
- r. Review of the Final Master Plan by the Board of County Commissioners shall be a public hearing and architectural renderings of the proposed development shall be required.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Daryl G. McLain
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the trustee, Glenn A. Lingle, on behalf of the Glenn A. Lingle Revocable Trust, itself and its, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Glenn A. Lingle

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared GLENN A. LINGLE, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the trustee, Margaret D. Fox, on behalf of the Trust U/W/O Byron A. Fox F/B/O W.W. Fox, itself and its successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Margaret D. Fox

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MARGARET D. FOX, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the trustee, Sandra A. Stickney, on behalf of the Trust U/W/O Byron A. Fox F/B/O W.W. Fox, itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Sandra A. Stickney

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared SANDRA A. STICKNEY, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A**Project Legal Description:**

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida for a point of beginning; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 810.69 feet; thence S64°26'12"E a distance of 664.66 feet to the northwesterly right-of-way line of International Parkway; thence S25°33'48"W along said northwesterly right-of-way, a distance of 490.00 feet to the north right-of-way line of Wilson Road; thence S89°40'25"W, along said north right-of-way line, a distance of 734.43 feet to the point of beginning.

CONTAINS 431,291 SQUARE FEET OR 9.901 ACRES MORE OR LESS.

EXHIBIT B

Legal Description of Cross-Access Easement:

[to be supplied by applicant]

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM OFFICE TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on February 4, 2004, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on February 24, 2004, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Savannah Park at Heathrow Small Scale Land Use Amendment Staff Report".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND
USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

| | |
|---|--|
| <u>Amendment Number</u> 11-03SS.01 | <u>Amendment</u> Amendment from Office to Planned Development |
|---|--|

- (b) The associated rezoning request was completed by means of Ordinance Number 2004-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon:

- (1) Filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of

ORDINANCE 2004-

SEMINOLE COUNTY, FLORIDA

Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-

2100 by the Clerk of the Board of County Commissioners; and,

- (2) The recording date of Development Order #3-22000009 in the Official Land Records of Seminole County.

ENACTED this 24th day of February,
2004.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

EXHIBIT A

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida for a point of beginning; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 810.69 feet; thence S64°26'12"E a distance of 664.66 feet to the northwesterly right-of-way line of International Parkway; thence S25°33'48"W along said northwesterly right-of-way, a distance of 490.00 feet to the north right-of-way line of Wilson Road; thence S89°40'25"W, along said north right-of-way line, a distance of 734.43 feet to the point of beginning.

CONTAINS 431,291 SQUARE FEET OR 9.901 ACRES MORE OR LESS.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Savannah Park at Heathrow Small Scale Land Use Amendment Staff Report."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONING.

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

Legal Description Attached as Exhibit A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this

Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon filing by the Department and of recording of Development Order #3-22000009 in the official land records of Seminole County.

ENACTED this 24th day of February, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida for a point of beginning; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 810.69 feet; thence S64°26'12"E a distance of 664.66 feet to the northwesterly right-of-way line of International Parkway; thence S25°33'48"W along said northwesterly right-of-way, a distance of 490.00 feet to the north right-of-way line of Wilson Road; thence S89°40'25"W, along said north right-of-way line, a distance of 734.43 feet to the point of beginning.

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